

Notice of Rulemaking Hearing  
Department of Environment and Conservation

There will be a hearing before the Division of Superfund staff representing the Commissioner of the Department of Environment and Conservation to hear comments from the public concerning new rules concerning the clean-up of sites used to manufacture methamphetamine pursuant to Chapter 855 of the Public Acts of 2004. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated Section 4-5-204. The hearings will take place at the following locations on the dates and times indicated below:

17<sup>th</sup> floor Conference Room B  
L&C Tower, 401 Church Street  
Nashville, Tennessee  
10:00 a.m.  
October 18, 2004

Written comments will be also considered if received at the Division of Superfund, 4<sup>th</sup> Floor Annex, 401 Church Street, Nashville, TN 37243-1538 by the close of business on October 18, 2004.

Individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than (10) days prior to the scheduled meeting date to allow time for the Department to reasonably provide such aid or service. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

For a copy of the entire text of this notice of rulemaking hearing, contact the office of the Tennessee Division of Superfund at 615-532-0900 or at 1-800-251-3479. Complete text of the proposed Rules may also be found by visiting the Secretary of State's Web site at <http://state.tn.us/sos/pub/tar/index.htm> and clicking on the September 2004 edition of the Tennessee Administrative Register.

Substance of the Proposed Rules  
of  
Tennessee Department of Environment and Conservation  
Division of Superfund  
Chapter 1200-1-19

Standards for Testing and Cleaning Quarantined Clandestine Drug Manufacturing Sites

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1200-1-19-.01 Standards for Determining Living Space Safe for Human Use

- (1) Methamphetamine shall not exceed .1 microgram /100cm<sup>2</sup> on any hard surfaces.
- (2) Volatile Organic Compounds shall not exceed 1ppm in air as measured under normal inhabitable ventilation conditions.
- (3) If it is determined that lead or mercury were used in the lab process, the standard for cleanup of lead on any surface shall not exceed 40ug/ft<sup>2</sup>, and mercury shall not exceed 50 nanograms/m<sup>3</sup> for indoor air. Lead acetate and mercuric chloride are used in the Amalgam process that uses phenylpropanone (P2P). This process is not commonly used, but may occasionally be encountered.

1200-1-19-.02 Use of Qualified Professionals for Sampling and Cleanup

- (1) Samples shall be collected and interpreted by a professional certified by the Commissioner as being able to perform the services of an industrial hygienist. Any person holding a certification from the American Board of Industrial Hygienists as a Certified Industrial Hygienist is deemed certified by this rule as being able to perform these services. Other persons who have the qualifications as industrial hygienists under TCA § 62-40-101 may make a written request to the Commissioner to be included on the list of persons or entities entitled to perform the services of industrial hygienists for the purposes of these rules.
- (2) Clean up of properties shall be performed by a professional or company certified by the Commissioner as being able to perform the services of cleaning up sites used to manufacture methamphetamines. Any person holding a certification from the American Board of Industrial Hygienist as a Certified Industrial Hygienist is deemed certified by this rule as being able to perform clean up services at these sites. Other persons may make a written request to the Commissioner seeking certification to perform these services.

Authority: (Not currently codified) Public Chapter 855 of the Public Acts of 2004